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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: April 13, 2005 Name: John C. Freeman (34,483) Signature: *John C. Freeman*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Ioannis Pallikaris et al.

Appln. No.: 09/911,356

Filed: July 23, 2001

For: Device for Separating the Epithelium Layer  
from the Surface of the Cornea of an Eye

Attorney Docket No: 10781-9

Examiner: Victor X. Nguyen

Art Unit: 3731

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Sixth Supplemental Information Disclosure Statement; Form PTO-1449; 11 References; and Check for \$180.00
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=			+ \$360=	
					Total	\$		Total	\$

Fee payment:

- ☒ A check in the amount of \$180 is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

April 13, 2005  
Date

Respectfully submitted,

*John C. Freeman*  
John C. Freeman (Reg. No. 34,483)

**CERTIFICATE OF DELIVERY**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Mail Stop Amendment, Commissioner Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313

on April 13, 2005

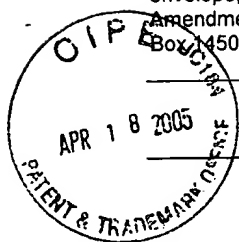
Date of Deposit

John C. Freeman, Reg. No.: 34,483

Name of applicant, assignee or  
Registered Representative

Signature

Date of Signature



Our File No. 10781-9

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In re Appln. of: Ioannis Pallikaris et al.

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Epithelium Layer from the  
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Examiner: Nguyen, VI X

Art Unit: 3731

**SIXTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22323-1450

Dear Sir;

Pursuant to the obligation under 37 C.F.R. 1.56 and in conformance with 37 C.F.R. 1.97-1.99, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following references G1 – G95 in the appended tables.

04/18/2005 RFEKADU1 00000016 09911356

01 FC:1806

180.00 0P

**U.S. PATENT DOCUMENTS**

Document Number	Publication Date	Name
4,381,007	04/26/1983	Doss
4,688,570	08/25/87	Kramer et al

Document Number	Publication Date	Name
4,770,172	09/13/1988	L'Esperance, Jr.
4,773,414	09/27/1988	L'Esperance, Jr.
4,775,361	10/04/1988	Jacques et al.
4,838,266	06/13/1989	Koziol et al.
4,840,175	06/20/1989	Peyman
4,844,060	07/04/89	Krumeich
4,865,033	09/12/89	Krumeich et al.
4,884,570	12/05/89	Krumeich et al.
5,011,498	04/30/1991	Krumeich et al.
5,108,388	04/28/1992	Trokel
5,196,027	03/23/1993	Thompson et al.
5,318,047	06/07/1994	Davenport et al.
5,319,424	06/07/1994	Tomiyama
5,323,788	06/28/1994	Silvestrini et al.
5,423,801	06/13/1995	Marshall et al.
5,437,658	08/01/1995	Muller et al.
5,490,849	02/13/1996	Smith
5,505,723	04/09/1996	Muller
5,549,597	08/27/1996	Shimmick et al.
5,549,632	08/27/1996	Lai
5,599,341	02/04/1997	Mathis et al.
5,613,965	03/25/1997	Muller
5,630,810	05/20/1997	Machat
5,647,865	07/15/1997	Swinger
5,649,943	07/22/1997	Amoils
5,685,998	11/11/1997	Shannon et al.
5,690,657	11/25/1997	Koepnick
5,711,762	01/27/1998	Trokel
5,722,971	03/03/1998	Peyman
5,735,843	04/07/1998	Trokel
5,741,245	04/21/1998	Cozean et al.
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5,807,380	09/15/1998	Dishler
5,941,874	08/24/1999	Hohla
5,964,748	10/12/1999	Peyman
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5,984,916	11/16/1999	Lai
5,989,272	11/23/1999	Barron et al.
6,006,756	12/28/1999	Shadduck
6,071,293	06/06/00	Krumeich
6,083,236	07/04/2000	Feingold
6,129,723	10/10/2000	Anderson et al.
6,132,421	10/17/2000	Clapham
6,162,210	12/19/2000	Shadduck
6,171,336 B1	01/09/2001	Sawusch
6,203,538 B1	03/20/2001	Peyman
6,217,571 B1	04/17/2001	Peyman
6,221,067 B1	04/24/2001	Peyman
6,241,721 B1	06/05/2001	Cozean et al.
6,254,619 B1	07/03/2001	Garabet et al.

Document Number	Publication Date	Name
6,264,648 B1	07/24/2001	Peyman
6,280,470 B1	08/28/2001	Peyman
6,293,938 B1	09/25/2001	Muller et al.
6,306,075 B1	10/23/2001	Shadduck
6,322,216 B1	11/27/2001	Yee et al.
6,331,177 B1	12/18/2001	Munnerlyn et al.
6,436,093 B1	08/20/2002	Ruiz et al.
6,464,692 B1	10/15/2002	Ruiz et al.
6,497,701 B2	12/24/2002	Shimmick et al.
6,530,916 B1	03/11/2003	Shimmick
6,543,453 B1	04/08/2003	Klima et al.
6,559,305 B1	07/29/2003	Feingold
6,607,527 B1	08/19/2003	Ruiz et al.
6,623,497 B1	09/23/2003	Feingold
6,638,271 B2	10/28/2003	Munnerlyn et al.
6,666,855 B2	12/23/2003	Somani et al.
6,673,062 B2	01/06/2004	Yee et al.
6,702,807 B2	03/09/2004	Peyman
6,706,036 B2	03/16/2004	Lai
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2001/0053917 A1	12/20/01	Lin et al.
2002/0026101 A1	02/28/2002	Bookwalter
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2003/0018347 A1	01/23/2003	Pallikaris et al.
2003/0105521 A1	06/05/2003	Perez
2003/0139755 A1	07/24/2003	Dybbs
2004/0059361 A1	03/25/2004	Feingold
2004/0073246 A1	04/15/2004	Aufure et al.
2004/0097955 A1	05/20/2004	Feingold
2004/0167555 A1	08/26/2004	Pallikaris et al.
2004/0220599 A1	11/04/2004	Pallikaris et al.

### **FOREIGN PATENTS DOCUMENTS**

Document Number	Publication Date	Country/Organization
WO 01/93791 A1	12/13/2001	WIPO
WO 01/97729 A1	12/27/2001	WIPO
EP 0 659 955 B1	01/29/1997	EP
EP 0 873 735 A1	10/28/1998	EPO
EP 0 956 840 A2	11/17/1999	EPO
DE 38 38 253 A1	05/23/1990	Germany
FR 2 691 625 A3	12/03/1993	France

**PUBLICATIONS AND OTHER INFORMATION**

Lohmann, Chris P., MD, PhD, "Epi-Lasik Epi-Tome", presented April 2004, Seville, Spain, 47 pages.
Photo using a light microscope of a blade manufactured by GeBauer, evaluated in Athens, Greece, on or about June 2004, One page.
Soloway, Barrie D., "US Clinical Studies with the Epik for E-Lasik" performed by Moria (Epi-Lasik and Lamellar Surgery), presented September 18, 2004, Paris, France, Twenty-three pages.
Gebauer announcements of clinical results for the first 100 Epi-LASIK patients treated in Europe, March 5, 2004, One page.

For the Examiner's convenience, Applicants are enclosing Form PTO-1449 (three sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2)(as modified by the Commissioner's Notice dated October 12, 2004).

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants wish to inform the Examiner that cited publications, presentations, drawings, and photos correspond to commonly assigned US Patent Application 10/098,167, filed on March 12, 2002, which is related to the present application. Applicants invite the Examiner to review the contents of the above-mentioned applications and the art cited therein.

Applicants are not aware of any official English translations for some of the cited references. As such, Applicants are hereby providing brief statements which are drawn solely from their respective English-language abstracts, English-language translated independent claims, and/or the drawings.

In regard to EP 0 659 955 B1, based solely on the English claims, the drawings and the attached English language Abstract this reference is pertinent because it seems to be directed to a scaffold structure. The scaffold structure is preferably for working on facades or similar structure with stanchions arranged in parallel to one another which are connected in the manner of a ladder by cross members on which platforms may be suspended at the same level by means of hooks.

In regard to DE 38 38 253 A1 and based on the drawings and the English language translation of the Abstract, this reference is pertinent because it seems to be directed to a suction ring. The suction ring of the application is intended to fixedly hold the human eye during surgery. Whereas hitherto, only rings without suction permitted the intraocular pressure to remain unchanged or whereas the suction rings used for a desired increase of the pressure comprised a hollow profile that was open towards the inside, the ring of the present application permits secure fixation of the eye without deforming the eyeball or increasing the internal pressure. The ring comprises an outer rectangular profile (1) which carries an inner member (2) that rests against the eye, extends annularly, has a triangular cross-section and leaves two channels via webs (4) between the inner member (2) and the ring wall (1) in order to achieve a reduced pressure. The circularly extending inner wall (2) lying between the two channels rests against the eye and avoids deformation of the eye by the fixing suction. Fixation of the ring on the eye is guaranteed by the two suction channels (3) without it being possible for the eye wall to be drawn into the hollow profile. The suction is generated by an external vacuum source through the hollow handle (6). The central ring opening (7) can be used to receive additional concentric rings which permit guidance of a knife.

In regard to FR 2 691 625 A3 and based solely on the drawings and the attached English language Abstract this reference is pertinent because it seems to be directed to a disposable trocar (or trochar). The disposable trocar is made from a fiber-reinforced plastic produced by injection, compression or vacuum-injection molding, or from a fiber-reinforced crystalline polymer. The plastic used for the trochar is a thermo-setting plastic

selected from e.g. polyesters, polyamides, polycarbonates, polystyrenes and copolymer sates of styrene or other monomers or it can be made from a thermoplastic selected from polyesters, melamine epoxy plastics and polyurethanes. The reinforcing fibers can be of glass, at least 5 mm long and 8-50 microns thick, forming 30-75% by vol. of the plastic. The trochar is in the shape of a bar with one end (1) shaped to receive a drainage tube, a curve (4) and a pointed tip (5) at the other end formed by two flat surfaces at an acute angle.

Further, Applicants reserve the right to contest any of these references as prior art against the present application, and Applicants do not believe that the disclosure of these references, even if finally determined to be prior art, anticipates Applicants' invention or that these references make Applicants' invention obvious.

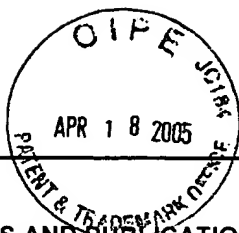
Applicants are submitting pursuant to 37 C.F.R. § 1.97 (c) a fee as set forth in § 1.17(p) so that the present Sixth Supplemental Information Disclosure Statement will be considered. Should any additional fees under 37 C.F.R. §§1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Assistant Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson and Lione account number 23-1925.

Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

Respectfully submitted,

April 13, 2005  
Date

  
\_\_\_\_\_  
John C. Freeman (Reg. No. 34,483)



<b>FORM PTO-1449</b>  <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b> (use several sheets if necessary)	<b>SERIAL NO.</b>	<b>CASE NO.</b>
	09/911,356	10781-9
	<b>FILING DATE</b>	<b>GROUP ART UNIT</b>
	July 23, 2001	3731
<b>APPLICANTS:</b> Ioannis Pallikaris et al.		

REFERENCE DESIGNATION			U.S. PATENT DOCUMENTS			
EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	G1	4,381,007	04/26/1983	Doss		
	G2	4,688,570	08/25/87	Kramer et al		
	G3	4,770,172	09/13/1988	L'Esperance, Jr.		
	G4	4,773,414	09/27/1988	L'Esperance, Jr.		
	G5	4,775,361	10/04/1988	Jacques et al.		
	G6	4,838,266	06/13/1989	Koziol et al.		
	G7	4,840,175	06/20/1989	Peyman		
	G8	4,844,060	07/04/89	Krumeich		
	G9	4,865,033	09/12/89	Krumeich et al.		
	G10	4,884,570	12/05/89	Krumeich et al.		
	G11	5,011,498	04/30/1991	Krumeich et al.		
	G12	5,108,388	04/28/1992	Trokell		
	G13	5,196,027	03/23/1993	Thompson et al.		
	G14	5,318,047	06/07/1994	Davenport et al.		
	G15	5,319,424	06/07/1994	Tomiyama		
	G16	5,323,788	06/28/1994	Silvestrini et al.		
	G17	5,423,801	06/13/1995	Marshall et al.		
	G18	5,437,658	08/01/1995	Muller et al.		
	G19	5,490,849	02/13/1996	Smith		
	G20	5,505,723	04/09/1996	Muller		
	G21	5,549,597	08/27/1996	Shimmick et al.		
	G22	5,549,632	08/27/1996	Lai		
	G23	5,599,341	02/04/1997	Mathis et al.		
	G24	5,613,965	03/25/1997	Muller		
	G25	5,630,810	05/20/1997	Machat		
	G26	5,647,865	07/15/1997	Swinger		
	G27	5,649,943	07/22/1997	Amoils		
	G28	5,685,998	11/11/1997	Shannon et al.		
	G29	5,690,657	11/25/1997	Koepnick		
	G30	5,711,762	01/27/1998	Trokell		
	G31	5,722,971	03/03/1998	Peyman		
	G32	5,735,843	04/07/1998	Trokell		
	G33	5,741,245	04/21/1998	Cozean et al.		
	G34	5,779,696	07/14/1998	Berry et al.		
	G35	5,795,351	08/18/1998	Clapham		
	G36	5,807,380	09/15/1998	Dishler		
	G37	5,941,874	08/24/1999	Hohla		
	G38	5,964,748	10/12/1999	Peyman		
	G39	5,975,351	11/02/1999	DeLacerda		
	G40	5,984,916	11/16/1999	Lai		
	G41	5,989,272	11/23/1999	Barron et al.		

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



<b>FORM PTO-1449</b>  <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (use several sheets if necessary)	SERIAL NO.	CASE NO.
	09/911,356	10781- 9
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	July 23, 2001	3731
APPLICANT(S): Ioannis Pallikaris et al.		

	G42	6,006,756	12/28/1999	Shaddock		
	G43	6,071,293	06/06/00	Krumeich		
	G44	6,083,236	07/04/2000	Feingold		
	G45	6,129,723	10/10/2000	Anderson et al.		
	G46	6,132,421	10/17/2000	Clapham		
	G47	6,162,210	12/19/2000	Shaddock		
	G48	6,171,336 B1	01/09/2001	Sawusch		
	G49	6,203,538 B1	03/20/2001	Peyman		
	G50	6,217,571 B1	04/17/2001	Peyman		
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	G52	6,241,721 B1	06/05/2001	Cozean et al.		
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	G58	6,322,216 B1	11/27/2001	Yee et al.		
	G59	6,331,177 B1	12/18/2001	Munnerlyn et al.		
	G60	6,436,093 B1	08/20/2002	Ruiz et al.		
	G61	6,464,692 B1	10/15/2002	Ruiz et al.		
	G62	6,497,701 B2	12/24/2002	Shimmick et al.		
	G63	6,530,916 B1	03/11/2003	Shimmick		
	G64	6,543,453 B1	04/08/2003	Klima et al.		
	G65	6,559,305 B1	07/29/2003	Feingold		
	G66	6,607,527 B1	08/19/2003	Ruiz et al.		
	G67	6,623,497 B1	09/23/2003	Feingold		
	G68	6,638,271 B2	10/28/2003	Munnerlyn et al.		
	G69	6,666,855 B2	12/23/2003	Somani et al		
	G70	6,673,062 B2	01/06/2004	Yee et al.		
	G71	6,702,807 B2	03/09/2004	Peyman		
	G72	6,706,036 B2	03/16/2004	Lai		
	G73	6,730,073 B2	05/04/2004	Bruce		
	G74	2001/0053917 A1	12/20/2001	Lin et al.		
	G75	2002/0026101 A1	02/28/2002	Bookwalter		
	G76	2002/0077640 A1	06/20/2002	Metzger		
	G78	2003/0105521 A1	06/05/2003	Perez		
	G79	2003/0139755 A1	07/24/2003	Dybbs		
	G80	2004/0059361 A1	03/25/2004	Feingold		
	G81	2004/0073246 A1	04/15/2004	Aufure et al.		
	G82	2004/0097955 A1	05/20/2004	Feingold		

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	July 23, 2001	3731
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### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO
	G83	WO 01/93791 A1	12/13/2001	WIPO			X
	G84	WO 01/97729 A1	12/27/2001	WIPO			X
	G85	EP 0 659 955 B1	01/29/1997	EP		X	
	G86	EP 0 873 735 A1	10/28/1998	EPO			X
	G87	EP 0 956 840 A2	11/17/1999	EPO			X
	G88	DE 38 38 253 A1	05/23/1990	Germany		X	
	G89	FR 2 691 625 A3	12/03/1993	France		X	

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	G90	Lohmann, Chris P., MD, PhD, "Epi-Lasik Epi-Tome", presented April 2004, Seville, Spain, 47 pages.
	G91	Photo using a light microscope of a blade manufactured by GeBauer, evaluated in Athens, Greece, on or about June 2004, One page.
	G92	Soloway, Barrie D., "US Clinical Studies with the Epik for E-Lasik" performed by Moria (Epi-Lasik and Lamellar Surgery), presented September 18, 2004, Paris, France, Twenty-three pages.
	G93	Gebauer announcements of clinical results for the first 100 Epi-LASIK patients treated in Europe, March 5, 2004, One page.

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